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EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

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DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/737,517

Applicant(s)

FISHER ET AL.

Examiner

Wes Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 14, 19-26, 32, and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 5,948,040 to DeLorme et al.

With regard to claim 1, DeLorme discloses a computerized method for generating a digital image geographical special interest guide comprising:

processing digital images to associate the digital images with a category on a displayed geographical map (column 8, lines 4-13, 24-28, column 28, lines 56-64, column 32, lines 36-40).

And providing a digital images geographical special interest guide for the category containing the associated digital images (column 7, lines 22-27). In the invention disclosed by DeLorme, multimedia is requested and retrieved according to user input using electronic maps. Points of interest (POI) are also disclosed or searched in connection with the geographical locations on the various maps. Points of interest are different locations or areas found on the map with corresponding multimedia information in the form of sound, text, video, digital images etc. that can be searched by the user. Different multimedia presentations including digital images associated with geographical locations can be found in the patent (column 32, lines 27-40). The POIs are also organized by Topical data and can be searched using a variety of categories (column 32, lines 27-40).

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With regard to claim 2, DeLorme discloses the computerized method of claim 1, wherein providing a digital image geographical special interest guide comprises:

allowing selection of a category on the displayed geographical map (column 8 lines 4-8, column 32, lines 27-39, column 28, lines 41-49, column 26, lines 55-64). See discussion of claim 1 retrieving digital images associated with the selected category (column 32, lines 27-40); and generating a digital image geographical special interest guide using the retrieved digital images (column 8, 18-22). Here a system is disclosed where POIs with corresponding multimedia presentations containing digital images are organized and can be searched in a number of different ways. Categories in the patent refer to the "Who/What? When? Where? and How?" (column 26, lines 55-64) categories for searching different areas of a map. The POIs are always associated with geographical locations and always contain multimedia information including digital images. The geographical special interest guide is considered to be equivalent to the assembled POIs in the multimedia travelogue (column 8, lines 14-18).

With regard to claim 3, DeLorme discloses the computerized method of claim 1, wherein the category is chosen from a group consisting of a geographical locations on a map, landmarks, restaurants, hotels, theatres, nightlife, resorts, shopping malls, bars, entertainment, and scenic spots (column 56, lines 30-35). Here categories and locations can be searched according to the topical data in the TRIPS software. The topical data is organized in categories such as hotels restaurants, etc.

With regard to claim 4, DeLorme discloses the computerized method of claim 1, further comprising receiving digital images from an electronic device, the electronic device being chosen from a group consisting of a stand alone computer, a networked system, and an online service

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(column 73, lines 5-9). Here DeLorme discloses the use of a stand-alone computer or kiosk and a wireless networked system. In reference to the wireless network system, transmitting TRIPS data packets is further disclosed. It is understood that these packets contain multi-media information including digital images (column 73, lines 30-35 and 48-54). So the TRIPS data packets containing digital images are received from the wireless networked system.

With regard to claim 5, DeLorme discloses the computerized method of claim 1, further comprising:

generating a web page containing data that displays information chosen from the group consisting of digital image geographical special interest guide data, advertisements, banners, text, graphics, and hotlinks (column 14, lines 35-43). Here locally installed and deployed complex graphics and multimedia presentation services are provided online in real time on a web page.

With regard to claim 6, DeLorme discloses the computerized method of claim 5, further comprising storing the processed digital images (column 32, lines 26-40). Here the TRIPS application database allows for storing and retrieving topical data, which contains pictures and graphic images, analog or digital.

With regard to claim 7, DeLorme discloses the computerized method of claim 1, wherein providing the digital image geographical special interest guide comprises:

associating the processed digital images with hotlinks; and

enabling access of the digital images through the hotlinks (column 14, lines 35-43, 47-51).

Here locally installed and deployed complex graphics and multimedia presentation services are provided online in real time on a web page. It is inherent that the invention disclosed in the form of a

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web page would have hotlinks to different multimedia since the patent refers to Java and "state-of-the-art software enhancements."

With regard to claim 8, DeLorme discloses the computerized method of claim 1, wherein providing the digital image geographical special interest guide comprises:

enabling access to the digital image geographical special interest guide upon payment of a fee (column 37, lines 25-28).

With regard to claim 14, DeLorme discloses the computerized method of claim 1, further comprising:

associating the processes digital images with a location on the geographical map corresponding to the category (column 8, lines 11-19); and

altering the geographical map to represent digital images taken at particular locations of the geographical map (column 8, lines 11-19). Here the POIs, which contain multimedia presentations that include digital images, are associated with different geographical locations on the map. In addition the POIs are "organized into a plurality of types for user selection of loc/objects or POIs individually or by type." This means that the POIs containing digital images associated with different locations are also grouped for selection by "type" or category.

With regard to claim 19, DeLorme discloses a computerized system comprising: a digital image geographical special interest guide module executed from the computer-readable medium by the processor to cause the processor to process digital images to associate the digital images with a category on a displayed geographical map, and provide a digital image geographical special interest guide for the category containing the associated digital images (column 9, lines 33-36). Here

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DeLorme details the invention as used on a stand-alone computer. It is inherent that the components of a processor, a memory, a system bus, and a computer-readable medium are all standard in a computer.

It is noted that claims 19 and 1 vary only in that claim 19 details the components of a computer on which the invention operates. See also the reference for claim 1 above. Claims 19-26 and 32 repeat claims 1-8 and 14 while describing computer components performing the operations already detailed in claims 1-8 and 14. Claims 1-8 and 14 are already understood as being performed by a computer from the phrase "computerized method" in claim 1.

Regarding claims 20-26 and 32, see the discussions for claims 2-8 and 14 respectively

With regard to claim 37, DeLorme discloses a computer-readable medium having computer-executable instructions to cause a server computer to perform a method comprising: processing digital images to associate the digital images with a category on a displayed geographical map; and providing a digital image geographical special interest guide for the category containing the associated digital images. Here it should be noted that claim 37 is almost identical to claim 19. Claim 37 only differs from claim 19 by the inclusion of a "computer-readable medium having computer-readable instructions." The reference accounts for the computer readable medium (column 10, lines 10-14). Please refer to claim 19 above as well.

With regard to claims 38 and 39, the remarks provided for claims 20 and 21 are applicable.

### ***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13, 15-18, 27, 29-31, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme in view of U.S. Patent No. 6,312,337 to Edwards et al.

With regard to claim 9, DeLorme discloses the computerized method of claim 1. DeLorme does not disclose compensating a user for submitting digital images to the digital image geographical special interest guide. Edwards discloses an invention where users can submit digital pictures to a server for use in a game. The user can be rewarded for the submissions (See Abstract). Edwards teaches, "Online digital photography games expand the utility of the web for digital photography by providing computer users and digital photography enthusiasts with an accessible and stimulating arena for utilizing digital photography. As a result, the field of digital photography may be advanced and adoption of digital photography furthered" (column 2, lines 12-17). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to allow for the submission of pictures from users for use in the geographical special interest guide.

With regard to claim 10, DeLorme discloses the computerized method of claim 1. DeLorme discloses the web page application of the invention as claimed in claim 5 (column 36, line 33-36). DeLorme does not allow for receiving compensation for banner and advertisements posted on the digital image geographical special interest guide. The Examiner takes official notice that it is well known in the art that banners and advertisements are used on many websites as a way to receive compensation. It would have been obvious to one of ordinary skill in the art at the time of invention to use banners and advertisements websites to receive compensation as a means of generating revenue. The discussion of claim 10 applies to claim 28 as well.



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With regard to claims 11-13 and 15-18, DeLorme discloses the invention as claimed. Delorme does not allow for the requesting of images from a user. Edwards discloses the requesting of images from a user and compensating the user for those images (column 2, lines 12-17). It is understood that the pictures for the geographical special interest guide can be acquired from any number of sources. It would have been obvious to one of ordinary skill in the art at the time of invention to allow users to request images from a user in order to obtain as many quality images depicting geographical locations as possible.

Claims 27-31, and 33-36 simply repeat the claimed elements of claims 9-13, and 15-18 with the addition of detailing processor, memory, bus, and computer-readable medium components of a computer. The inclusion of these claimed components is addressed with respect to claim 19 above.

### ***References Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,559,707 to Delorme discloses a computer-aided routing system similar to the primary reference cited above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone numbers for the organization where

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this application or proceeding is assigned are (703) 308-5397 for regular communications and (703) 308-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

wjt  
September 23, 2003

  
Jon Chang  
Primary Examiner